

EXHIBIT

APPENDIX

The 9 cases arising under Title VIII in which jury trials were sought by defendants are as follows:

- Cauley v. Smith*, 347 F.Supp. 114 (E.D. Va. 1972)
- Crawford v. Doster*, No. C-C-73-178 (W.D.N.C.)
- Kastner v. Brackett*, 326 F.Supp. 1151 (D. Nev.)
- Kegler v. Polk*, No. 73-842 (D.S.C.)
- Kelly v. Armbrust*, 351 F.Supp. 869 (D.N.D. 1972)
- Lewis v. Heil-Heil*, No. 72-C-1047 (N.D. Ill.)
- Nelson v. Stan Glasgow Realty Co.*, No. 6670 (M.D. Tenn.)
- Rogers v. Loether*, 312 F.Supp. 1008 (E.D. Wis. 1970),
rev'd 467 F.2d 1110 (7th Cir. 1972), cert. granted
June 11, 1973
- Wright v. Koules*, No. 72-C-36 (N.D. Ill.)

The only cases in which a jury was granted were *Rogers* and *Kastner*.

The one case arising under Title VIII in which a jury trial was sought by plaintiff is

- Noel v. Drake Management*, No. 72-C-485 (N.D. Ill.)

The 36 cases arising under Title VII alleging racial discrimination in employment in which jury trials were sought by defendants are as follows:

- Allen v. Braswell Motor Freight*, C.A. 3-2112-14
- Anthony v. Brooks*, 67 LRRM 2897 (N.D. Ga. 1967)
- Baldwin v. Houston Lighting and Power*, C.A. No. 71-H-175 (S.D. Tex.) (Order dated March 15, 1972)
- Barnes v. Hormel Co.*, C.A. No. 71-H-576 (S.D. Tex.)
- Barnett v. W. T. Grant*, C.A. No. C-72-64 (W.D.N.C.)
(Order dated September 11, 1972)

- Boutte v. Texas*—U.S. Chemical Co., C.A. No. 67-25
(E.D. Tex.) (Order dated September 25, 1970)
- Brown v. Gaston County Dyeing Co.*, 3 EPD ¶ 8044
(W.D.N.C. 1970)
- Brown v. Southern Dyestuff*, 3 EPD 8045 (W.D.N.C.
1970)
- Cathey v. Johnson Motor Lines*, C.A. 72-262 (W.D.N.C.)
- Cheatwood v. South Central Bell*, 303 F.Supp. 754
(M.D. Ala. 1969)
- Cobb v. Alabama State Employment Service*, Civ. No.
70-7-S (N.D. Ala.)
- Cox v. Babcock & Wilcox Co.*, 471 F.2d 13 (4th Cir.
1973)
- Culpepper v. Reynolds Metals*, 296 F.Supp. 1232 (N.D.
Ga. 1968), rev'd on other grounds 421 F.2d 888 (5th
Cir. 1970)
- Doherty v. Wilson*, 356 F.Supp. 35 (M.D. Ga. 1973)
- Duhon v. Goodyear Rubber Co.*, C.A. No. 67-79 (E.D.
Tex.) (Order dated October 16, 1970)
- Eaton v. Courtaulds*, N.A., C.A. No. 6648-71-P (S.D.
Ala.)
- Franklin v. General Electric Co.*, C.A. No. 72-C-101(L)
(W.D. Va.)
- Hayes v. Seaboard Coast Lines*, 46 F.R.D. 49 (S.D. Ga.
1969)
- Hicks v. Cannon Mills*, C.A. No. C-115-5-70 (M.D.N.C.)
- Johnson v. Georgia Highway Express*, 417 F.2d 1122
(5th Cir. 1969)
- Johnson v. Ryder Truck Lines*, C.A. No. 73-3
(W.D.N.C.)
- Lea v. Cone Mills*, C.A. No. C-176-D-66 (N.D.N.C.)
(Order dated March 25, 1968)
- Lewis v. J. P. Stevens*, 4 EPD ¶ 7919 (D.S.C. 1972)
- Logan v. General Fireproofing Co.*, 5 EPD ¶ 8012
(W.D.N.C. 1972)

Long v. Georgia Kraft Co., 328 F.Supp. 681 (N.D. Ga. 1970)

Maddock v. Sardis Luggage Co., 302 F.Supp. 866 (N.D. Miss. 1969)

Moss v. Lane Co., 50 F.R.D. 122 (W.D. Va. 1970)

Negrete v. Aviation Instrument Manufacturing Co.,
C.A. No. 70-H-62 (S.D. Tex.) (Order dated October 20, 1970)

Ochoa v. American Oil Co., 338 F.Supp. 163 (S.D. Texas 1971)

Robinson v. Lorillard Corp., 444 F.2d 791 (4th Cir. 1971)

Stewart v. Marquette Tool and Dye Co., C.A. No. 72-C-715 (E.D. Mo.)

United States v. Ambac Industries, 15 F.R. Serv. 2d 607 (D. Mass. 1971)

United States v. Lee Way Motor Freight, C.A. No. 72-445 (W.D. Okl. 1973)

Williams v. Shell Oil Co., C.A. No. 71-H-836 (S.D. Tex.) (Order dated July 8, 1971)

Williams v. Travenol Laboratories, 344 F.Supp. 202 (N.D. Miss. 1972)

Witherspoon v. Mercury Freight Lines, 1 FEP 662 (S.D. Ala. 1968)

The request for a jury trial was granted in *Allen*, is still pending in *Cathey*, *Franklin*, and *Johnson v. Ryder Truck Lines*, and was denied in the other 32 cases.

The 4 Title VII race discrimination cases in which a jury was requested by the plaintiff are

King v. Laboreis International, 443 F.2d 273 (6th Cir. 1971)

Lowery v. Whitaker Cable Corp., 348 F.Supp. 791 (W.D. Mo. 1972)

Lynch v. Pan American Airways, 5 EPD ¶ 8517 (5th Cir. 1973)

Venters v. Southwestern Bell, C.A. No. 3-2600-B (N.D. Texas) (Order dated May 8, 1969)

The request was granted in *King* and *Venters* and denied in *Lowery* and *Lynch*.

